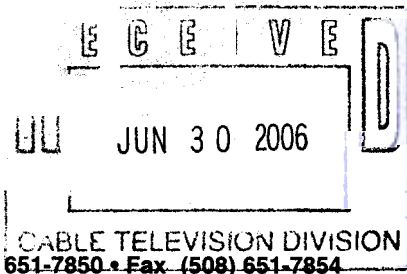




Town of Sherborn

SHERBORN, MASSACHUSETTS 01770

TOWN OFFICES: 19 Washington Street • Phone (508) 651-7850 • Fax (508) 651-7854



James W. Murphy, Chairman
Paul R. DeRensis, Vice Chairman
Christopher Peck, Clerk

Dennis F. Luttrell, Town Administrator

June 21, 2006

Andrea Nixon
Clerk, Cable Television Division
Department of Telecommunications and Energy
One South Station
Boston, MA 02111

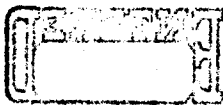
Dear Clerk Nixon,

The Town of Sherborn, Massachusetts would like to register its strong opposition to Verizon's March 16, 2006, rulemaking petition filed with the Cable Division of the Department of Telecommunications and Energy. Verizon's petition proposes extremely unreasonable new rules for initial cable licensing.

The proposed rules would require a municipality to hold a public hearing on an initial cable television license application within 60 days of the application filing, and would require only 30 days from the time of the public hearing for the municipality to approve or disapprove the application, and issue the actual license in case of approval.

As most local officials will tell you, it is impossible to conclude a proper initial license application review, negotiation, license drafting and issuance within 30 days of the public hearing. Such an initial licensing time frame would be untenable in the best of circumstances, and is particularly untenable now in light of the many questions of first impression and complex issues raised by the non-standard terms and conditions commonly reported to be included in Verizon-proposed cable licenses.

As you know from RCN's initial licensing experience, cable operators willing to negotiate customary and standard cable licenses enjoy reasonable and fast municipal licensing. The existing license timetables have worked well for decades. They should not be changed at the behest of a single proponent. Note that Congress contemplated and provided for a three-year renewal process when it more comprehensively and carefully set forth cable licensing rules in the 1984 Cable Act. This framework worked well for decades and there is no rational basis for casting aside the time tested licensing rules and replacing them with radically abbreviated rules.



For example, back in January 2005, the Town of Sherborn was approached by Verizon with the prospect of making available to its citizens a competitive cable service provider. In its initial presentation, Verizon pointed out the ease with which this could be accomplished as it was prepared to enter into a "level playing" field license comparable to the one Sherborn had recently renewed with Comcast. Sherborn enthusiastically issued on Verizon provided forms, an RFP and DTE waiver requests. Sherborn hired at its expense, special cable license counsel and a technical services advisor. Instead of getting a responsive proposal from Verizon, Sherborn received boilerplate information. Sherborn nonetheless in good faith sought to negotiate with Verizon's local and Washington, D.C. lawyers. No businesspeople authorized to make a deal came to any of the many sessions with the Town's Administrator, Cable TV representative or Selectmen. After Sherborn was prepared to schedule a hearing to finalize what it thought to be the final negotiations, Verizon's local counsel bypassed Sherborn's special legal counsel and communicated an abrupt shift in the level playing field proposal central to the whole long process. The Town of Sherborn feels that its good faith in this process has not been reciprocated and that a short process as proposed by Verizon would put Town's like Sherborn at an extremely unfair disadvantage with large corporations like Verizon, who are able to take advantage of the process more to their benefit than to the mutual interests of the Towns, the potential subscribers and the public good.

Municipal officials who are responsible for implementing licensing and who are accountable to the public are in opposition to these proposed rules. Municipal officials are concerned that under the proposed rules, our community and cities and towns across the state will be boxed into an untenable 30 day post-hearing licensing process, and will lose the ability to properly review and negotiate Verizon cable proposals. This is not even close to what is reasonably needed for a fair and reasonable licensing process. The Massachusetts Cable Division should reject the Verizon petition and allow local officials to continue serving their constituents as they have been doing for decades.

Thank you for your attention to this matter. If you have any further questions or desire further comment, please do not hesitate to contact us.

Sincerely,


James W. Murphy,
Chairman Board of Selectmen